

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD,

Plaintiff,

CIVIL NO. 1:CV-01-1005  
(MAGISTRATE JUDGE SMYSER)

v.

DONALD ROMINE,

Defendant.

FILED  
HARRISBURG, PA

MAR 20 2003

PRETRIAL MEMORANDUM

MARY E. DIANDREA, CLERK  
Per         
Deputy Clerk

Pursuant to Rule 16.6 of the Local Rules of this Court, the plaintiff hereby submits his Pretrial Memorandum.

Date conference held by counsel: To be held April 23, 2003.

A Basis of Court's jurisdiction: This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

B. Summary of facts and contentions as to liability:

The plaintiff, a follower of the Nation of Islam, requested a Kosher or Halal diet from the defendant and was denied same until approximately 8½ months after he had filed the instant civil action, in violation of his rights under the First Amendment and the Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb et seq.

The plaintiff contends that the defendant is liable for:

- (a) \$150.00 filing fee plaintiff paid to file the instant action;
- (b) approximately \$1,000.00 the plaintiff has spent purchasing law books, postage stamps, photo copies, and court clothing in

connection with this action; (c) approximately \$4,000.00 the plaintiff spent in USP Lewisburg's commissary from October 28, 2000 thru March 23, 2002 to purchase food items to sustain himself; (d) at least \$6,350.00 in damages for irreparable injury the plaintiff suffered; and (e) an unspecified amount of punitive damages to be assessed by the jury.

C. Statement of undisputed facts as agreed by counsel at the conference of attorneys required by Local Rule 16.3:  
Conference to be held April 23, 2003.

D. Description of Damages: See ¶ B, above.

E. Names and addresses of witnesses and qualifications of experts: (1) Donald Romine (defendant; address previously provided)  
(2) Edward Roberts, Supervisory Chaplin at USP Lewisburg; (3) Imam Jamu, Religious Services staff member at USP Lewisburg; (4) L. Cunningham, Supervisory Attorney at USP Lewisburg; and (5) Michael Norwood, Plaintiff.

No expert witnesses will be called.

F. Summary of expert testimony: None.

G. Special comment about pleadings, discovery: None.

H. Summary of legal issues and authority relied upon:

The defendant must be held to have known that to deny the plaintiff a diet required by his religion would result in irreparable injury and violate the plaintiff's First Amendment rights and his rights under RFRA. See Dehart v. Horn, 227 F3d. 47, 51 (3d. Cir. 2000) and Elrod v. Burns, 427 U.S. 347, 373 (1976).

